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9 Attorneys for Plaintiff
 10 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 RONALD S. CALDERON and
 THOMAS M. CALDERON,

17 Defendants.

No. CR 14-103-CAS

STIPULATION REGARDING REQUEST FOR
(1) CONTINUANCE OF TRIAL DATE AND
(2) FINDINGS OF EXCLUDABLE TIME
PERIODS PURSUANT TO SPEEDY TRIAL
ACT

CURRENT DATES:

TRIAL	03/01/16
STATUS CONF.	01/11/16
FINAL STATUS CONF.	02/08/16

[PROPOSED] DATES:

TRIAL	05/10/16
STATUS CONF.	02/22/16
FINAL STATUS CONF.	04/04/16

25 Plaintiff United States of America, by and through its counsel
 26 of record, the United States Attorney for the Central District of
 27 California and Assistant United States Attorneys Douglas M. Miller
 28 and Mack E. Jenkins, and defendants RONALD S. CALDERON and THOMAS M.

1 CALDERON, both individually and through their respective counsel of
2 record, Mark Geragos and Shepard Kopp, hereby stipulate as follows:

3 1. The Indictment in this case was filed on February 20, 2014.
4 Defendant THOMAS M. CALDERON first appeared before a judicial officer
5 of the court in which the charges in this case were pending on
6 February 21, 2014. Defendant RONALD S. CALDERON first appeared
7 before a judicial officer of the court in which the charges in this
8 case were pending on February 24, 2014. The Speedy Trial Act, 18
9 U.S.C. § 3161, originally required that the trial for defendant
10 THOMAS M. CALDERON commence on or before May 1, 2014. It originally
11 required that the trial for defendant RONALD S. CALDERON commence on
12 or before May 5, 2014.

13 2. The case was originally assigned to United States District
14 Court Judge Michael W. Fitzgerald. On February 27, 2014, Judge
15 Fitzgerald recused himself from the case and it was reassigned to
16 United States District Court Fernando M. Olguin for all further
17 proceedings. On March 4, 2014, Judge Olguin recused himself from the
18 case and it was reassigned to this Court for all further proceedings.

19 3. The case against defendant THOMAS M. CALDERON and RONALD S.
20 CALDERON is currently set for trial on March 1, 2016. Defendant
21 THOMAS M. CALDERON is currently out of custody on a \$25,000
22 appearance bond pending trial. Defendant RONALD S. CALDERON is
23 currently out of custody on a \$50,000 appearance bond pending trial.
24 The parties estimate that the trial in this matter will last
25 approximately 10 days, but could possibly last longer depending on
26 the defense case, if any.

27 4. The Court has previously continued the trial date in this
28 case, most recently from August 11, 2015 to March 1, 2016, and found

1 the interim period to be excluded in computing the time within which
2 the trial must commence, pursuant to the Speedy Trial Act.

3 5. By this stipulation, the parties jointly move for the fifth
4 continuance of the trial date and ask that it be moved to May 10,
5 2016. The parties further request that the Court set a status
6 conference regarding jury questionnaires on February 22, 2016 and a
7 final status conference on April 4, 2016.

8 6. The parties request the continuance based upon the
9 following facts, which the parties believe demonstrate good cause to
10 support the appropriate findings under the Speedy Trial Act:

11 a. Defendant RONALD S. CALDERON is charged with ten
12 counts of mail and wire fraud through the deprivation of honest
13 services (18 U.S.C. §§ 1341, 1343, and 1346), four counts of bribery
14 (18 U.S.C. § 666), one count of conspiracy to commit money laundering
15 (18 U.S.C. § 1956(h), seven counts of money laundering (18 U.S.C. §
16 1956(a)(1)(B)(i), and two counts of tax fraud (26 U.S.C. § 7206(2)).
17 Defendant THOMAS M. CALDERON is charged with one count of conspiracy
18 to commit money laundering (18 U.S.C. § 1956(h) and seven counts of
19 money laundering (18 U.S.C. § 1956(a)(1)(B)(i)). Based on the nature
20 of the charges and the government's trial estimate, the case has been
21 designated complex.

22 b. Defense counsel for defendant RONALD S. CALDERON is
23 presently scheduled to be in the following civil and criminal trials
24 between now and the March 1, 2016 trial date in this case: (1) Gayane
25 Avetisyan v. Sharkey's Bail Bonds, Los Angeles Superior Court Case
26 Number BC506343, which is scheduled to begin on January 5, 2016; (2)
27 People v. Haghverdi, Los Angeles Superior Court Case Number 3SR04574,
28 which is scheduled to begin on January 29, 2016; (3) People v. Mack,

1 Los Angeles Superior Court Case Number BA395877, which is scheduled
2 to begin on February 1, 2016; (4) LA Sleep Studies v. Anthem, Los
3 Angeles Superior Court Case Number BC523104, which is scheduled to
4 begin on February 2, 2016; and (5) In re Taco Bell Wage & Hour
5 Actions, EDCA 1:07-cv-1314-LJO-SAB, which is scheduled to begin on
6 February 22, 2016 and last approximately one month. Accordingly,
7 counsel represents that he will not have the time that he believes is
8 necessary to prepare to try this case on the current trial date.

9 c. In light of the foregoing, counsel for defendant
10 RONALD S. CALDERON also represents that additional time is necessary
11 to confer with defendants, conduct and complete an independent
12 investigation of the case, conduct and complete additional legal
13 research, review the discovery and potential evidence in the case,
14 and prepare for trial in the event that a pretrial resolution does
15 not occur. Defense counsel for defendant RONALD S. CALDERON
16 represents that failure to grant the continuance would deny him
17 reasonable time necessary for effective preparation, taking into
18 account the exercise of due diligence.

19 d. On December 23, 2015, the Court ruled on two motions
20 that had been pending since May 26, 2015 and on December 18, 2015,
21 the government filed an ex parte application for the return of
22 certain discovery, which remains pending before the court, and
23 defendants are scheduled to file oppositions to the government's ex
24 parte application on January 11, 2016.

25 e. Defendant RONALD S. CALDERON believes that failure to
26 grant the continuance will deny him continuity of counsel and
27 adequate representation.

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1 f. Defendant THOMAS M. CALDERON, his counsel, and the
2 government do not object to the continuance.

3 g. The requested continuance is not based on congestion
4 of the Court's calendar, lack of diligent preparation on the part of
5 the attorney for the government or the defense, or failure on the
6 part of the attorney for the Government to obtain available
7 witnesses.

8 7. For purposes of computing the date under the Speedy Trial
9 Act by which defendant's trial must commence, the parties agree that
10 the time period of March 1, 2016 to May 10, 2016, inclusive, should
11 be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i) and
12 (h)(7)(B)(iv) because the delay results from a continuance granted by
13 the Court at defendant's request, without government objection, on
14 the basis of the Court's finding that: (i) the ends of justice served
15 by the continuance outweigh the best interest of the public and
16 defendant in a speedy trial; (ii) failure to grant the continuance
17 would be likely to make a continuation of the proceeding impossible,
18 or result in a miscarriage of justice; and (iii) failure to grant the
19 continuance would unreasonably deny defendant continuity of counsel
20 and would deny defense counsel the reasonable time necessary for
21 effective preparation, taking into account the exercise of due
22 diligence.

23 8. In addition, the parties agree that the time period of May
24 26, 2015 to December 23, 2015, inclusive, should be excluded pursuant
25 to 18 U.S.C. § 3161(h)(1)(D), because it constitutes a delay
26 resulting from pretrial motions, from the filing of the motions
27 through the prompt resolution of the motions.

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1 9. Nothing in this stipulation shall preclude a finding that
2 other provisions of the Speedy Trial Act dictate that additional time
3 periods be excluded from the period within which trial must commence.
4 Moreover, the same provisions and/or other provisions of the Speedy
5 Trial Act may in the future authorize the exclusion of additional
6 time periods from the period within which trial must commence.

7 IT IS SO STIPULATED.

8 Dated: January 4, 2016

Respectfully submitted,

9 EILEEN M. DECKER
United States Attorney

10 LAWRENCE S. MIDDLETON
11 Assistant United States Attorney
12 Chief, Criminal Division

13 /s/

14 DOUGLAS M. MILLER
MACK E. JENKINS
15 Assistant United States Attorneys

16 Attorneys for Plaintiff
UNITED STATES OF AMERICA

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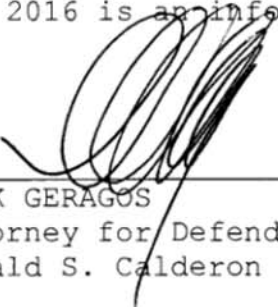
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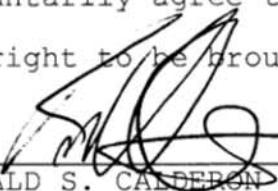
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1 I am defendant RONALD S. CALDERON's attorney. I have carefully
2 discussed every part of this stipulation and the continuance of the
3 trial date with my client. I have fully informed my client of his
4 Speedy Trial rights. To my knowledge, my client understands those
5 rights and agrees to waive them. I believe that my client's
6 decision to give up the right to be brought to trial earlier than May
7 10, 2016 is an informed and voluntary one.

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11 MARK GERAGOS
12 Attorney for Defendant
13 Ronald S. Calderon

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Date 1/2/16

13 I have read this stipulation and have carefully discussed it
14 with my attorney. I understand my Speedy Trial rights. I
15 voluntarily agree to the continuance of the trial date, and give up
16 my right to be brought to trial earlier than May 10, 2016.

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19 RONALD S. CALDERON
20 Defendant

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Date 01/02/16

20 I am defendant THOMAS M. CALDERON's attorney. I have carefully
21 discussed every part of this stipulation and the continuance of the
22 trial date with my client. I have fully informed my client of his
23 Speedy Trial rights. To my knowledge, my client understands those

1 rights and agrees to waive them. I believe that my client's decision
2 to give up the right to be brought to trial earlier than May 10, 2016
3 is an informed and voluntary one.

4 
5 _____ Date 1/4/16
6 SHEPARD S. KOPP
7 Attorney for Defendant
8 Thomas M. Calderon

8 I have read this stipulation and have carefully discussed it
9 with my attorney. I understand my Speedy Trial rights. I
10 voluntarily agree to the continuance of the trial date, and give up
11 my right to be brought to trial earlier than May 10, 2016.

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13 _____ Date 1/4/2016
14 THOMAS M. CALDERON
15 Defendant

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